

REMARKS

INTRODUCTION:

Applicant thanks the Examiner for her careful consideration of the submitted claims.

In accordance with the foregoing, claims 1-7 have been cancelled without prejudice or disclaimer. Since the remaining claims that are under consideration (claims 9-17, 19 and 25) are allowed, it is respectfully submitted that the application is in form for allowance.

Claims 9-17, 19 and 25 are under consideration. Claims 20-30 are withdrawn. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicant requests entry of this Rule 116 Response and Request for Reconsideration because:

it is believed that no further search by the Examiner should be entailed since the rejected claims have been cancelled and the claims under consideration have been allowed.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §102 and §103

In the Office Action, at pages 2-4, numbered paragraph 2, claims 1-7 were rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative under 35 U.S.C. §103(a) as obvious over Wen et al. (USPN 6,077,897; hereafter "Wen"). This rejection is traversed and reconsideration is requested.

Claims 1-7 have been cancelled without prejudice or disclaimer. Thus, the above rejections are submitted to be moot.

ALLOWABLE SUBJECT MATTER

Claims 9-10, 11-17 19 and 25 were allowed. Applicant thanks the Examiner for careful consideration and allowance of same.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

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By:

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